MassHousing *Housing Starts*Project Eligibility Application

GENERAL INFORMATION

1.	Name of Development Highgrove Estates Name of Development Highgrove Estates Name of Development Highgrove Estates
2.	Stow – West Acton Road (opposite Canterbury Road) Address of Site: Acton – 18 Woodchester Rd.; 16 & 18 Windemere Rd.
3.	City/Town: Stow and Acton Zip Code: 01775 & 01720
4.	Development Entity: <u>Highrove Estates, LLC</u>
	Name of Principle: Christine Sweeney
	Street Address: P. O. Box 1269
	City/Town: Zip Code: 02558
	Telephone: 508-291-0135 Fax: 978-475-6703
	Email: Christineonset@verizon.net
	Additional Contact: Donald F. Borenstein, Esq., Johnson & Borenstein, LLC
	Street Address: 12 Chestnut Street
	City/Town: Andover
	Telephone: 978-475-4488 Fax: 978-475-6703
	Email: <u>Don@jbllclaw.com</u>
5.	Name of Consultant (if applicable):Thomas E. Gowdy, The Gowdy Group, Inc.
	Telephone:508-922-1789 Fax:508-464-0466
6.	Type of Housing: Single-Family Detached Condominiums X
7.	Unit Mix: Total Units 64 Affordable 16 Market 48
8.	Stow & Acton 56 & 8 14 & 2 42 & 6 Anticipated source of construction financing: MassHousing X NEF Bank X
9.	Has the town previously reviewed any proposals to build on this site? If so, please explain.
	Stow - Yes, Denied 19 unit Preliminary Cluster Subdivision with 10% affordable on Dec. 18, 2008 Acton - Yes - Approved, 3-Lot Subdivision Plan 10+ years ago.
10.	Is this an age-restricted (55+) development? Yes No X

Project Description: Twenty-five, 2 and 3-unit townhouse style buildings, with attached garages, in a cohesive neighborhood setting.

INFORMATION

Total Buildable Acreage 33.6 Total Acreage 42.1

Total **Stow** - 37.0 **Acton** - 5.1

Buildable Stow - 29.6 Acton -4.0

- a. Density in units per total acre Stow -1.51 Acton -1.56
- b. Explain why the density is appropriate for the site Stow relatively consistent with existing neighborhood density, well under 8 units/acre MHFA guideline; Acton – 27,923 sf/unit exceeds existing zoning of 20,000 sf/unit local requirement.

Zoning District Stow - Residential District, Acton - Residence 2 (R-2) District

	Required	Proposed	<u>Variance</u>
num Lot Size	Stow - 65,340 s.f.	Stow 40,000 sf-	Stow -Yes, 25,340sf
	Acton - 20,000 s.f.	Acton $-20,000+sf$	Acton - No
num Frontage	Stow - 200 ft.	Stow – 75' Min	Stow - Yes, 125'
	Acton 150 ft	Acton – 226'±	Acton - No
Setback	Stow 30 ft.	Stow – 10' Min	Stow - Yes, 20'
	Acton 30 ft.	Acton – 30'Min	Acton - No.
Setback	Stow 25 ft.	Stow – 5' Min	Stow - Yes, 20'
	Acton 10 ft.	Acton – 10'Min	Acton - No
Setback	Stow 40 ft.	Stow – 9' Min	Stow - Yes, 31'
_	Acton 10 ft.	Acton – 10' Min-	Acton – No
num Building	Stow -10% min open	Stow - >10%	Stow - No
age	Acton – NA	Acton – NA	Acton - No
ing Height	Stow - 35 ft.	Stow -<35 ft.	Stow – No
	Acton 36 ft.	Acton - <36 ft.	Acton - No
Area Ratio	Stow - NA	Stow – NA	Stow - No
	Acton - NA	Acton - NA	Acton - No
ıg	Stow - 2 spaces/unit	Stow – 2	Stow - No
	Acton – 2 spaces/unit	Acton - 2	Acton - No

Does	s any portio	n of the	site conta	ain wetlands?
Yes_	X	No _		Stow - 7.4 Acton - 1.1 If yes, how many acres are wetlands? Total - 8.5
If ye	s, attach ma	ap of sit	e noting v	vetland areas.
Is the	e site locate	d withi	n a design	ated flood hazard area?
Yes _		_No	X	
Are t	here any ha	ızardou	s waste sit	tes within the site or within a 1/2-mile radius of the site?
Yes		_No _	none knov	<u>vn</u>

_
_

Construction	n Type
	7 F -

Single-Family Detached	Townhouse	X Oth	ner	
Is this a Condominium development		No e associations fo	or each lot	
If yes, estimated monthly condo fees	•			\$125 - \$175/mo.
Road in Stow is proposed to be a propose	ablic way. Fees ind	icated are limite	ed to responsibilities of	

Type of Fuel: *Gas is available in Acton but not Stow - Applicant to petition National Grid to extend to Stow

a.) Natural Gas X* b.) Oil ____ c.) Electric X d.) Other ___

Parking Spaces:

- a.) # Enclosed 128 b.) # Outdoor 128 c.) # Per unit included in Sales Price 2 private garage spaces and 2 exclusive use driveway spaces per unit, plus additional visitor parking along project roadways.
- d.) # Spaces being sold 0 and Sales Price \$ NA
- e.) # of enclosed spaces designated for the affordable units 32

Unit Mix: Complete the chart below

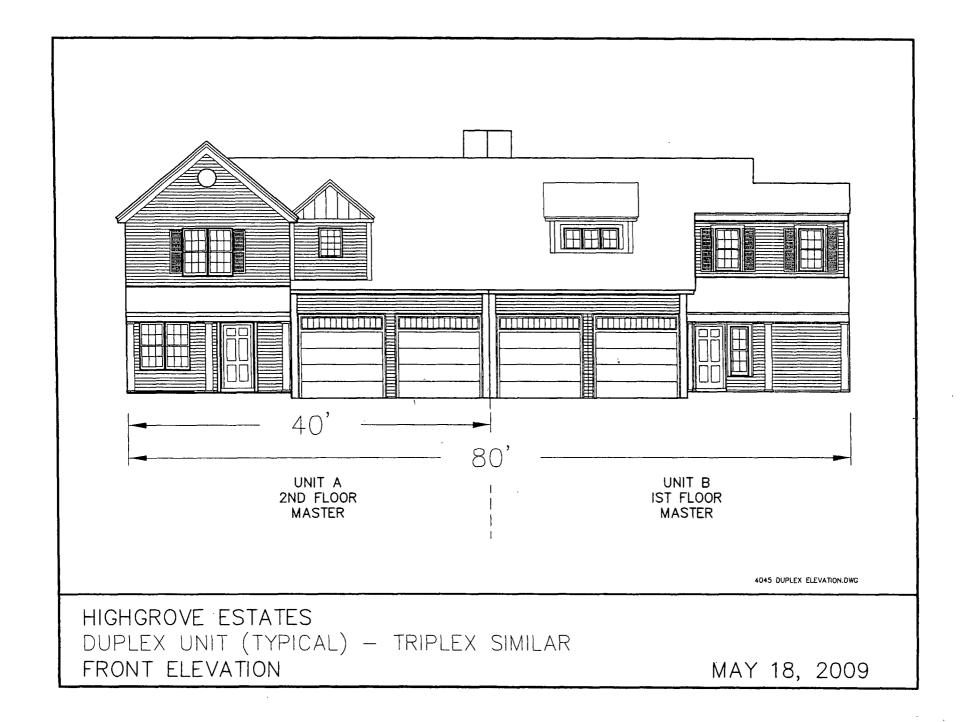
Unit Type	# of Units	# of BR's Per Unit	# of Baths Per Unit	Sq. Footage Per Unit	Sales Price Per Unit
Affordable	16	2	1 1/2	Footprint allowance for up to 2,400 ±sf	\$163,000
Market	48	2	1 ½ - 2 ½	Footprint allowance for up to 3,000 ±sf	\$378,000 - Stow \$495,000 - Acton
Total	64	128	96 - 144	182,400 ±sf	\$21,454,000

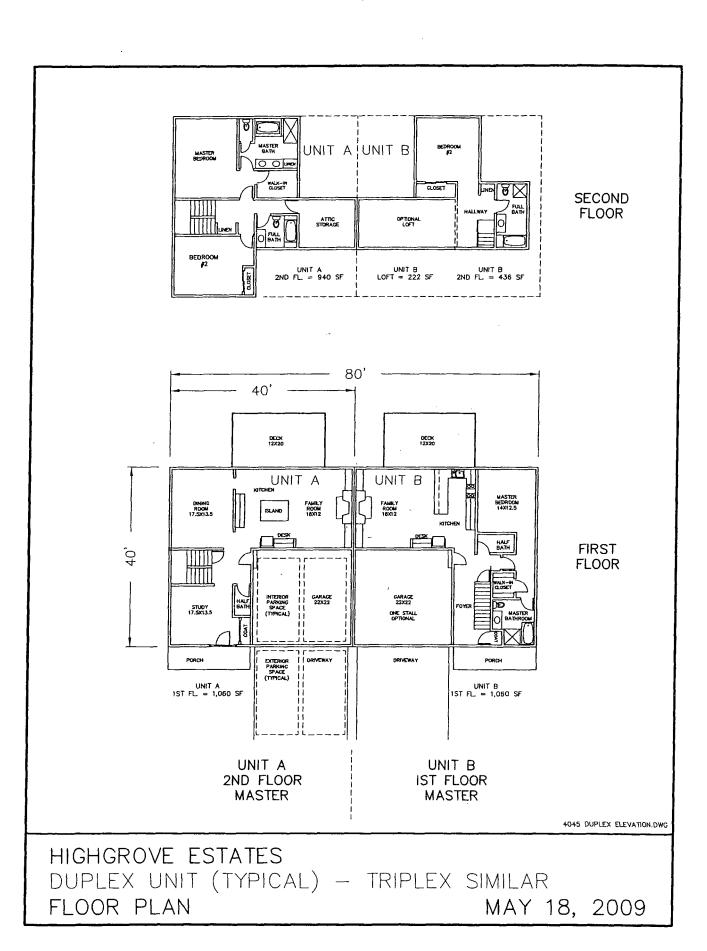
9

PRELIMINARY CONSTRUCTION BUDGET

Date Completed: May 12, 2009

VELOPMENT ITEM	TOTAL COST	PER UNIT COST			
E ACQUISITION	\$ <u>1,500,000</u>	\$_23,438			
RD COSTS					
Site Preparation	3,125,747	48,840			
Landscaping	in above	in above			
Residential Construction	11,289,600	176,400			
Hard Cost Contingency	in above	<u>in above</u>			
TAL HARD COSTS	\$ <u>14,415,347</u>	\$ 225,240			
FT COSTS					
Permits/Surveys	<u> 138,627</u>	2, 166			
Architectural	225,000	3,516			
Engineering	300,000	4, 688			
Legal	236,230	3, 691			
Insurance	55,000	859			
Security	32,000	500			
Construction Manager	275,000	4, 297			
Property Taxes	73,853	1, 154			
Construction Loan Interest	250,000	3, 906			
Application/ Financing Fees	84,459	1. 320			
Appraisal	20,000	313			
Utilities	73,333	1, 146			
Accounting	123,333	1, 927			
Marketing & Commissions	1, 040,540	16, 258			
Consultant	50,000	781			
Developer's Overhead	168,000	2,625			
Soft Cost Contingency	in above	in above			
TAL SOFT COSTS	\$ 3, 145,376	\$ <u>49, 147</u>			
TAL DEVELOPMENT COSTS	\$ <u>19,060,723</u>	\$ <u>297, 824</u>			
LES REVENUE		A C C C C C C C C C C			
Affordable # 16		\$2,608,000			
Market # 48	_ x \$ <u>_392,625</u> =	\$_18,846,000			
)TAL REVENUE		\$ <u>21,454,000</u>			
COFIT		\$ 2,393,277			
RCENTAGE PROFIT OVER TOTAL DEVELOPMENT COSTS 11.2 %					





Existing Conditions

Highgrove Estates is a 42.1 acre site comprised of multiple parcels of vacant land located primarily within the Town of Stow (37.0 acres) with the remaining land in the Town of Acton (5.1 acres). The Acton/Stow Town Line runs thru the site for approximately 1,900 linear feet in a northwesterly direction beginning from West Acton Road. The site directly abuts eleven existing single-family dwellings within the Town of Acton to the northeast and seven single-family dwellings the southeast within the Town of Stow. The west property line of the site abuts the Flagg Hill Conservation Area (http://www.stowconservationtrust.org/guides/StowConservationLandsTour.doc) for approximately 1,875 linear feet.

The site has frontage in the Town of Stow in three locations along West Acton Road, a public street. The level portion of the site is approximately 100' above the existing pavement of West Acton Road. Two of the frontages are 150' wide parcels with single-family dwellings on both sides. The third location has approximately 437' of frontage in Stow opposite Canterbury Road abutted by a single-family dwelling the south and by additional Highgrove Estate land in Acton to the north. The site also has two additional frontages from public streets in Acton. The first is from a 150' wide parcel at the Highland Road-Woodchester Drive intersection. This is the current upland access to the site with a slope of approximately 5%. The other frontage location in Acton is about 226' along Windemere Drive.

The existing ground cover is primary wooded uplands containing typical sections of stone walls and private access trails into the site from existing frontage locations in each town. None of the parcels of the project have been previously developed. Soil evaluations conducted onsite indicate sandy loam across the site. Resource Areas at the site have been confirmed. These include a bordering vegetated wetland along the west property line and a separate wetland system along the Stow-Acton border which overflows from the top of the site within a defined channel down to the West Acton Road drainage system and into Acton. This BVW also contains three potential vernal pools within its border. Additional site runoff to West Acton Road is collected by the Town of Stow drainage system.



Mark B. Johnson (MA, NH, DC) Donald F. Borenstein (MA, ME, NH)

Kristine M. Sheehy (MA)
Denise A. Brogna (MA, CA)
Kathryn M. Morin (MA, NH)
Lorri Gill Covitz (MA)
Leslie C. Carey (MA, RI)
Karin M. Theo (MA)

12 Chestnut Street Andover, MA 01810-3706 Tel: 978-475-4488

Fax: 978-475-6703 www.jbllclaw.com don@jbllclaw.com 12-10-39P01:22 RCVD

<u>Paralegals</u> Michele C. Jonikas Karen L. Bussell

December 8, 2009

Via Certified Mail RRR #7004 1160 0002 9293 8695

Pauline Knibbe, Chair Acton Board of Selectmen Town of Acton 472 Main Street Acton, MA 01720

Re:

Applicant:

Highgrove Estates, LLC

Location:

330 (approx.) West Acton Road

(opposite Canterbury Road), Stow, MA; and

18 Woodchester Rd.; 16 & 18 Windemere Rd., Acton, MA

Comprehensive Permit, G.L. c. 40B, ss. 20 - 23

Notice of Submission of

Site Eligibility Application pursuant to 760 CMR 56.04(2)

Dear Chairperson Knibbe:

Notice is hereby given pursuant to the above-referenced regulation that Highgrove Estates, LLC has requested the issuance of a Project Eligibility and Site Approval letter on this date from the Massachusetts Housing Financing Agency. The Applicant seeks a project eligibility determination under the Federal Home Loan Bank of Boston's New England Fund Loan Program, as well as, MassHousing's own loan programs.

The Applicant has proposed the development of 64 residential homes on a site totaling 42.1 +/- acres, located in both Stow (56 units, 37 acres) and Acton (8 units, 5.1 acres). A copy of the Applicant's Housing Starts application package, as filed with MassHousing, is enclosed herewith and contains detailed information

Pauline Knibbe, Chair Acton Board of Selectmen December 8, 2009 Page 2

concerning the Applicant's proposal. I trust this notice satisfies the Applicant's obligations under the cited Regulation.

Very truly yours,

JOHNSON & BORENSTEIN, LLC

Donald F. Borenstein

DFB/mbf Enclosure

Cc: Highgrove Estates, LLC

MassHousing

Acton Community Housing Corporation Nancy Tavernier, Chairman TOWN OF ACTON

Acton Town Hall
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 263-9611
achc@acton-ma.gov

TO:

Roland Bartl

FROM:

Nancy Tavernier, Chair ACHC

SUBJECT:

ACHC comments on MassHousing notification of 40B application for

Highgrove Estates, 330 West Acton Rd, in Stow; 16, 18 Windemere Drive, and

18, 20-23 Woodchester Drive in Acton

DATE:

January 15, 2010

Cc:

Steve Ledoux, Paulina Knibbe

ACHC has made a cursory review of the application and plans for the proposed 40B development called Highgrove Estates located primarily in Stow. The Board of Selectmen was notified by the proponent's attorney of its intent to file the application with MassHousing on December 8, 2009. The filing has been made and as required by law MassHousing notified the Town on January 11, 2010 about the application and the commencement of a 30 day comment period. We strongly urge the Selectmen to submit comments to MassHousing and we offer the following points to be considered as part of the Town's position.

The proposed development is for 64 units contained in 25 duplex and triplex buildings, all townhouses with two bedrooms, attached garages, and approximately 2400-3000 s.f. of living space. Twenty five percent of the units will be affordable, two units in Acton. The location of the project is on the Acton-Stow line with 56 units (22 buildings) in the Town of Stow and 8 units (3 buildings) in the Town of Acton. There are two triplexes and one duplex in Acton located on Windemere Drive which connects to Woodchester Drive. The main road in the project is proposed to be a public way in Stow and Acton as it begins on West Acton Rd. and goes north to hook up to Woodchester Drive at the intersection of Highland Rd., both public ways. The Acton units can only be accessed from Windemere Drive so they are not part of the overall traffic flow from the rest of the development. Traffic from the 56 Stow units can travel either to West Acton Rd. in Stow or Woodchester Drive and other roads in the Forest Glen/Squirrel Hill neighborhoods in Acton depending on which direction the drivers are going.

This is a list of concerns or issues for you to consider as part of your comments:

• The market sales prices in Stow are listed at \$378,000 but in Acton at \$495,000. We feel that is not only an unrealistic price for a two bedroom townhouse but the differential

between the two towns seems excessive. The main advantage to the Acton address is the public water supply and the schools, we assume.

- The affordable unit selling price is \$163,000 which is a good price for an affordable unit.
- We are concerned that the 2BR townhouse design may be a non-starter in the market as other developments are having difficulty selling two bedroom units, a mixture of unit sizes would be more desirable.
- We know there will be concerns about the potential for up to half of the traffic going north on the new road which would take it through the existing neighborhoods. West Acton Rd. is a feeder road and traffic should be funneled onto it as much as possible.
- We strongly urge the Town of Acton to coordinate comments and the review process with the Town of Stow. We suggest contact also be made with former Acton town employee Donna Jacobs who is on the Stow Housing Trust and is likely knowledgeable about this proposal.
- We note that unless Acton water is extended to the Stow side of the project, there will be separate condo associations on the Stow side for each building due to the necessity of a private well. That will not be the case in Acton, all three buildings will be a separate condo association and we support that structure.
- We are not certain about wetlands issues on the Acton parcel, they need to be reviewed by Tom Tidman.
- We would encourage the development of walking trails that would link up to conservation land on Flagg Hill.
- We would not want to see both affordable units be the interior units in the two triplexes, at least one should be an outside unit.
- The location of this development is inconsistent with the Town's Comprehensive Permit Policy document.

Lastly, we are concerned that there has been no notification of the abutters and would urge the Selectmen to contact the neighborhood association in that area to alert them to the presentation on February 8 and to give them a chance to view the plans in Town Hall prior to that meeting.



Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

Tel: 617.854.1000 Fax: 617.854.1091 VP: 866.758.1435 www.masshousing.com

January 11, 2010

Pauline Knibbe, Chair Board of Selectmen Town of Acton 472 Main Street Acton, MA 01720

RE: Highgrove Estates
PE# 503
Site Approval Application Notification

Dear Chairperson Knibbe:

The Massachusetts Housing Finance Agency (MassHousing) is currently reviewing an application for Site Approval submitted by Christine Sweeney. The proposed Highgrove Estates development will consist of 64 newly constructed housing units located on a 42 acre parcel of land located on West Acton Road in Stow and 18 Woodchester Road in Acton.

The site approval process is offered to project sponsors who intend to apply for a comprehensive permit under Chapter 40B. MassHousing's review involves an evaluation of the site, the design concept, the financial feasibility of the proposal, and the appropriateness of the proposal in relation to local housing needs and strategies. As part of our review, we are soliciting comments from the local community and we would appreciate your input. You also may wish to include in your response, issues or concerns raised by other town boards, officials or other interested parties. Pursuant to the new Massachusetts General Laws Chapter 40B regulations (760 CMR 56.00) your comments may include information regarding municipal actions previously taken to meet affordable housing needs such as inclusionary zoning, multifamily districts adopted under G.L. c.40A and overlay districts adopted under G.L. c.40R. Your comments will be considered as part of our review.

We have been informed by the applicant that the Town has received a copy of the Highgrove Estates application and site plans. Please inform us of any issues that have been raised or are anticipated in the Town's review of this application. We request that you submit your comments to this office within 30 days so we may process this application in a timely manner.

During the course of its review, MassHousing will conduct a site visit, which Local Boards, as defined in 760 CMR 56.02, may attend. The site visit for Highgrove estates has been tentatively scheduled for January 26, 2010. Please notify Michael Busby, MassHousing 40B Project Coordinator, at (617) 854-1219 promptly if any representatives of your office or of other Local Boards plan to attend the scheduled site visit.

Please note that if and when an application is submitted for a comprehensive permit, assistance is available to Acton's Zoning Board of Appeals (ZBA) to review the permit application. The Massachusetts Housing Partnership's (MHP) Ch. 40B Technical Assistance Program administers grants to municipalities for up to \$10,000 to engage qualified third-party consultants to work with Acton's ZBA in reviewing the Chapter 40B proposal. For more information about MHP's technical assistance grant visit MHP's web site, www.mhp.net/40B or e-mail MHP at communityinfo@mhp.net. Also available at MHP's web site are the "Local 40B Review and Decision Guidelines" that were released in November 2005 to provide guidance to local officials as they review comprehensive permit applications. The Chapter 40B regulations and accompanying guidelines issued by DHCD, however, take legal precedence over the MHP guidelines.

If you have any questions, please do not hesitate to telephone me at (617) 854-1219 or Greg Watson, Comprehensive Permit Manager, at (617) 854-1880.

Thank you for your assistance.

Sincerely,

Michael Busby

40B Project Coordinator



Paulina Knibbe Chairman, Board of Selectmen

TOWN OF ACTON

472 Main Street Acton, Massachusetts 01720 Telephone (978) 264-9612 Fax (978) 264-9630

E-Mail: BOS@acton-ma.gov

February 10, 2010

Michael Busby 40B Project Coordinator Massachusetts Housing Financing Agency 1 Beacon St. Boston, MA 02108

Re: Highgrove Estates

PE: #503

Dear Mr. Busby:

The Town of Acton is in receipt of your letter of January 11, 2010 concerning an application for site approval submitted by Christine Sweeney on the above referenced project.

The proposed development is for 64 units contained in 25 duplex and triplex buildings, all townhouses with two bedrooms, attached garages and approximately 2400 – 3000square feet of living space. The location is on the Stow – Acton line with 56 units (22 buildings) in the Town of Stow and 8 units (3 buildings) in the Town of Acton. There are two triplexes and one duplex in Acton located on Windemere Drive which connects to Woodchester Drive. The main road in the project is proposed to be a public way in Stow and Acton as it begins on West Acton Rd. and goes north to hook up to Woodchester Drive at the intersection of Highland Rd., both public ways. The Acton units can only be accessed from Windemere Drive so they are not part of the overall traffic flow from the rest of the development. Traffic from the 56 Stow units can travel either to West Acton Rd. in Stow or Woodchester Drive and other roads in the Forest Glen/Squirrel Hill neighborhoods in Acton depending on which direction the drivers are going.

The Acton Board of Selectmen unanimously urges you to deny this application.

The location of this development is inconsistent with the Town's Comprehensive Permit Policy. Acton has made a conscious choice to encourage concentrated development in the Town's existing villages and Kelley's Corner. This choice incorporates the principles of "Smart Growth" by providing for distinctive, compact developments in walkable neighborhoods that already exist in our community while discouraging sprawl. The Comprehensive Permit Policy encourages the following:

- Mixed income developments of no more than 12 single-family or townhouse units
- Environmentally responsible siting
- Higher density is consistent with the policy if it is within ½ mile of our villages or Kelley's Corner
- Outside those areas, we look for developments that re-develop existing, underutilized commercial or industrial spaces

Using these guidelines, Acton has successfully increased its affordable housing stock over the past decade.

This proposed development fits none of Acton's guidelines for affordable housing construction.

Density

The proposed density of this one half lot in the Acton portion of the Site Proposal is significantly higher than that of any part of the proposed development on the Stow side. The developer states that the eight units would be built on almost 5 acres of land (Lot A). In reality, only approximately 1 acre of that land is buildable, with accessible frontage on Windemere Drive. All eight units would occupy just that one acre, which is approximately 20% of the stated lot size.

The market sales prices in Stow are listed at \$378,000 but in Acton at \$495,000. We feel that is not only an unrealistic price for a two bedroom townhouse but the differential between the two towns seems excessive.

We are concerned that the profit for this development is occurring because of the extra density in the Acton portion of the development and that portion may exceed the statutory limits. We would like to see the density decreased and have fewer units on the Acton side.

The density of structures, vehicles, project roadway, etc. greatly reduces, if not eliminates truly safe open space for outside play for the children who live in the condos:

- a. Front circle will have a storm-water catch basin
- b. Rear yards will either be on the mounded leaching field adjacent to a steep drop-off, or will be marshy due to being in the buffer zone of the wetlands.

Traffic

We have significant concerns about the potential for up to half of the traffic going north on the new road which would take it through the existing neighborhoods.

The 56 units in Stow will produce approximately 560 vehicle trips per day. The Acton local streets in this area have grades up to 13% and are unsuitable for a large increase in traffic. If this development proceeds, we would like to see the road connection between the Acton and Stow portion of the development be restricted to emergency use only. West Acton Rd. is a feeder road and traffic should be funneled onto it as much as possible.

Windemere Drive is a narrow road and it is already difficult at times for two way traffic in the winter. There are currently 12 single-family units on Windemere Drive between upper and lower Woodchester Dr. Adding eight new units will almost double the density and vehicle traffic on Windemere Drive.

The site plan identifies additional visitor parking on the development roadway. However, when considering the amount of space owners will need to back out of their driveways onto the development roadway, it becomes evident that visitor parking would be very limited. Driver visibility around the curves is limited, and navigating around parked cars is already difficult. It is not possible to park cars on both sides of the street. The layout of Windemere does not support such a high density of parked cars, especially on the curve.

The storm water catch basin is on the edge of the curviest part of Windemere Drive. There is the real danger of vehicles swinging too wide around the curve or skidding on ice and landing in the basin.

Water Issues

This site is both hilly and wet. The existing homes on the downhill side of this property already have problems with storm water runoffs and melting snow and ice. Decreasing the number of trees on this hill and increasing the impervious ground cover will exacerbate these problems.

In addition, the basements of all the new units will be below the water table, and most will be within the buffer zone of wetlands or vernal pools. We are concerned on how sump pump discharge will be directed.

The last percolation tests were performed in 1997. Given the high water table, we are concerned about the proposed septic system. Will the system require pressure dosing, significant grading, and mounding with retaining walls? How will that increase the amount of land needed for the landscaping of the leaching field in an already dense site plan? Will that encroach into the buffer zone of the wetlands?

With the absence of open space, and the positioning of the driveways and roadway, on site snow removal is a major concern

In summary, given the topography and other site constraints, the location and size of the Highgrove Estates is inappropriate and will only exacerbate the existing conditions of this difficult site.

Sincerely,

Paulina S. Knibbe

Chair, Board of Selectmen

Cc: Undersecretary Tina Brooks, DHCD
Senator Eldridge
Representative Benson
Representative Atkins
Acton ZBA
Stow Board of Selectmen
Acton Community Housing
Stow Zoning Board of Appeals

Paline S. Krill.